

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

SCOTT R. KIMBALL,

3:09-CV-06251-PK

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#30) on October 16, 2012, in which he recommends this Court grant Plaintiff's Motion (#26) for Approval of Attorney Fees Pursuant to 42 U.S.C. § 406(b) and award Plaintiff's counsel \$18,753 in attorney's fees under § 406(b) less the EAJA fees of \$7,834.78 previously awarded to Plaintiff's counsel for a total award of \$10,918.22 in attorney's fees under § 406(b). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). See also *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#30). Accordingly, the Court **GRANTS** Plaintiff's Motion (#26) for Approval of Attorney Fees Pursuant to 42 U.S.C. § 406(b) and **AWARDS** Plaintiff's counsel \$18,753 in attorney's fees under § 406(b) less the EAJA fees of \$7,834.78 previously awarded for a total award of \$10,918.22 in attorney's fees under § 406(b).

IT IS SO ORDERED.

DATED this 21st day of November, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge